

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARANDA LEE O'DONNELL

v.

4:16-CV-01414

HARRIS COUNTY, TEXAS. ET AL

**POSITION OF DISTRICT ATTORNEY KIM OGG ABOUT
DEFENDANTS' MOTION FOR A STAY**

“In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” -- *United States v. Salerno*, 481 U.S. 739, 755 (1987) (Rehnquist, C.J., for the Court).

Liberty delayed is not liberty at all. The Harris County District Attorney, as *amicus curiae*, opposes the request for a stay and for any maneuvering that postpones implementation of bail reforms that are more than a half century overdue. Although the collective Defendants' motion for stay argues that implementation of the temporary order will require “significant coordination” among the various parties and non-parties (Doc. 311 at 8), this Office implemented changes to its prosecutorial policies regarding bail recommendations, conducted internal training, and advised the parties two months ago that it would henceforth default to an unsecured bond recommendation in most misdemeanor cases. That action reversed the Harris County District Attorney's Office long-standing

procedure of objecting to all pre-trial (personal recognizance) bonds. Indeed we actively recommend the release of most misdemeanor offenders on pretrial bonds.

As we stated in our position paper previously filed in this matter, (1) there is a need for substantial and immediate reform to the bail system and (2) we look forward to working with our partners in the criminal justice system to assure equal justice under law. This Court has unsurprisingly found the current system constitutionally untenable and we concur that that the time for implementation of the Court's carefully crafted changes pending final resolution of the case is now.

Respectfully submitted,

/S/ Kim Ogg
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CERTIFICATE OF SERVICE

I hereby certify that all interested parties have been served this date, May 10, 2017, by email notice via electronic case filing (ECF).

/S/ Kim Ogg
KIM OGG